

AGENDA ITEM #8

Recommendation for Preliminary Adoption of Great Lakes Compact Incipient Rule; Administrative Cause No. 08-081W

Recently enacted Public Law 4-2008 (SEA 45) authorizes Indiana to participate in the Great Lakes—St. Lawrence River Basin Water Resources Compact. To become law, each of the eight Great Lakes States must enact similar legislation (to date, six have), and the U.S. Congress must approve the Compact. Presented for consideration and possible recommendation for preliminary adoption is a modest amendment to an existing rule governing Indiana's responsibilities under the Water Resources Development Act. Adoption of the amendment would underline Indiana's continuing commitment to the Compact, encourage an orderly transition if the Compact is approved, and help assure the Natural Resources Commission preserves the requisite rule-adoption authority under IC 4-22.

The Advisory Council considered the rule proposal during its meeting in Indianapolis on June 11, 2008. The Council recommended that the Natural Resources Commission give the proposal preliminary adoption.

A copy of the rule draft is attached as Exhibit 1.

Exhibit 1

Proposed Rule
LSA Document #08-

DIGEST

Amends 312 IAC 6.2, which addresses Great Lakes Basin Water Management, to assist with implementation of P.L.4-2008 and the eventuality of effectuation of the Great Lakes—St. Lawrence River Basin Water Resources Compact. Effective 30 days after filing with the Publisher.

312 IAC 6.2-1-1
312 IAC 6.2-1-2
312 IAC 6.2-1-3

SECTION 1. 312 IAC 6.2-1-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6.2-1-1 Purposes

Authority: IC 14-10-2-4; IC 14-25-1-11; IC 14-25-7-15; IC 14-25-15-5; IC 14-25-15-7
Affected: IC 14-25

Sec. 1. The purposes of this article are to assist with each of the following:

- (1) Implementation and administration of IC 14-25-1-11.
 - (2) Execution of the state's responsibilities under subsection (d) of 42 U.S.C. 1962d-20 (the "Water Resources Development Act").
 - (3) Evaluation of water diversions from the ~~Great Lakes drainage~~ basin.
 - (4) Preparation for the eventuality, under section 9.4 of IC 14-25-15-1, of effectuation of the compact.**
 - (5) If the compact is effectuated, implementation of the compact.**
- (Natural Resources Commission; 312 IAC 6.2-1-1; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459)

SECTION 2. 312 IAC 6.2-1-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6.2-1-2 Definitions

Authority: IC 14-10-2-4; IC 14-25-1-11; IC 14-25-7-15; IC 14-25-15-5; IC 14-25-15-7
Affected: IC 14-25

Sec. 2. ~~As used in this article,~~ **(a) Definitions in section 1.2 of IC 14-25-15-1 and in 312 IAC 1 apply to this article.**

(b) In addition to the definitions referenced in subsection (a), "division" means the division of water of the department. (Natural Resources Commission; 312 IAC 6.2-1-2; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459)

SECTION 3. 312 IAC 6.2-1-1 IS AMENDED TO READ AS FOLLOWS:

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312 IAC 6.2-1-3 Administration by the department

Authority: IC 14-10-2-4; IC 14-25-1-11; IC 14-25-7-15; IC 14-25-15-5; IC 14-25-15-7

Affected: IC 14-10-2-3; IC 14-25

Sec. 3. (a) The division shall serve as the point of contact and shall coordinate the administrative, professional, and technical functions of this article.

(b) Subject to IC 14-10-2-3, the department director shall issue any order appropriate to the implementation of this article.

(c) This section does not delegate to the department or to the department director any authority which is granted to the governor by IC 14-25-15.

(Natural Resources Commission; 312 IAC 6.2-1-3; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1460)